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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,976	02/14/2002	Michael J. May	83581SLP	9258

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EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/22/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/075,976
Filing Date: February 14, 2002
Appellant(s): MAY, MICHAEL J.

MAILED

SEP 22 2005

Group 3700

David A. Novais
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 08/12/2005 appealing from the Office action mailed 12/23/2004 and 03/22/2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,102,536	Jennel	08-2000
5,923,407	Hinton	07-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-8, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennel (6,102,536) in view of Hinton (5,923,407).

Jennel discloses a method of producing a package wrapper comprising the steps of displaying an image in a display area of an imaging device (Figs. 1 and 2; via 22); displaying at least a portion of a package wrapper which includes the image thereon (Figs. 1 and 2; via 26a and 26b); selecting a package wrapper size (Figs. 5 and 5A; via different bag sizes made of wrapping paper); performing at least one of a printing, displaying, transmitting, and storing of the package wrapper (Figs. 6 and 6A). Jennel does not disclose that user submit an image to produce a windowed image nor the window being movable relative to the image. However, Hinton discloses that user submit an image to produce a windowed image and the window being movable relative to the image (Figs. 2-5 and column 2, lines 59-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's image displaying means by giving the option to the user submitting an image to produce a windowed image and the window being movable relative to the image, as taught by Hinton, in order to provide a composite image that customer can choose from and customize the image as provided by the customer (column 1, lines 47 and 48).

Regarding claim 2: Jennel discloses that at least one of a printing, displaying, transmitting, and storing of the package wrapper in accordance with the selected package wrapper size (Figs. 1, 2, 5, and 5A).

Regarding claim 5: Jennel does not disclose that the step of selecting the package wrapper size is accomplished by inputting dimensions of a package. However, Jennel discloses

different size of package (Figs. 5 and 5A), which make it inherent of using variety of package wrapper size.

Regarding claim 6: selecting at least one predefined image from a plurality of predefined images; and combining the selected at least one predefined image with the windowed image, see for example (Figs. 1, 2, and 6).

Regarding claim 7: Jennel does not disclose that generating personalized information with the images. However, the examiner takes an official notice that generating personalized information with the images is old, well known, and available in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's method of producing a package wrapper by generating personalized information with the images, as a matter of engineering design choice, in order to convey information easily along with the image.

Regarding claim 23: Jennel discloses a computer storage having instructions stored therein causing the production of package wrapper (Figs. 1 and 2).

Regarding claim 24: Jennel discloses a method of producing package wrapper (Figs. 1-3). Jennel does not disclose producing a personalized package wrapper. However, Hinton discloses printing a personal and chosen image by consumer to be printed on boards (Figs. 3-5 and column 2, lines 59-61).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Jennel's image displaying means by giving the option to the user submitting an image to produce a personalized package wrapper, as taught by Hinton, in order to provide a composite image that customer can chose from (column 1, lines 47 and 48).

(10) Response to Argument

Appellant contends that Jennel discloses a digital printing system 20 with no suggestion as of portion of a package wrapper including the windowed image to be shown on the display of the system, as disclosed on the appellant drawings (Fig. 7; via package wrapper 48 and windowed image 44 of display 12).

Examiner acknowledges that as broadly claimed “displaying a package wrapper image that includes a representation of at least a portion of a package wrapper which includes the windowed image thereon;” is disclosed and suggested by Jennel as shown in Figs. 1 and 2; via displaying the package wrapper 26a and 26b includes the windowed image thereon via 36a and 36b. Note that appellant is not positively claiming displaying the package wrapper along with the windowed image on the display means; appellant only using word “displaying” which does not require the display means.

Alternatively, the examiner believes that such background of Jennel’s display means 22 could be considered as the image of the package. For example, Fig. 1 via image 36a on display 22, the background of the image on display 22 could be considered as an image of the package.

Appellant further argues that Hinton does not show or suggest a windowed image as shown in Fig. 5 of the present application as window 42 can be provided within image 40 to create windowed image 44.

Examiner believes that appellant argues about something not claimed on claims 1 nor 8. Appellant claims “providing a window on said image to produce a windowed image, said window being movable relative to the image,” no where in the claims appellant point out to

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moving window among other imaged as shown on Fig. 5 of the present application. Further, the examiner believes that Hinton discloses windowed image Fig. 2; via image 24 is movable relative to the image, via by customer's choice of the use of border 21; customers can select from a variety of different borders 21 to match with their image 24, in that case the process of choosing the best border and checking out if it match with the image, could be considered as moving the windowed image 24 relative to the image via respect to the selected border 21.

In response to appellant's argument that there is no motivation to combine Jennel and Hinton to achieve the claimed invention, since neither reference shows or suggests the specific method of producing a personalized package wrapper as required by claim 1.

Examiner believes that since both references of Jennel and Hinton relating to printing images into web/board, then it would be obvious to one skilled on the art to consider the teaching of printing of personalized image into board/web as suggested by Hinto to combine it to Jennel's teaching of printing general images into package web.

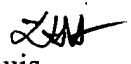
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For the above reasons, it is believed that the rejections should be sustained.

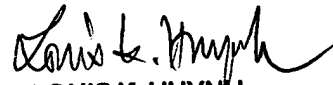
Respectfully submitted,

ST. 

Conferees:


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PRIMARY EXAMINER